

12/21/01



JAN 10 U.S. PTO

12-28-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-67279-5/RFT/RMS/RMK

Anticipated Classification of
this Application:

Class: Subclass:

Prior Application SN 09/564,436

Examiner: S. COE

Art Unit: 1651

"EXPRESS MAIL" MAILING LABEL

NUMBER EL 735049272 US

DATE OF DEPOSIT December 21, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND
ADDRESSED TO: BOX PATENT APPLICATION, ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME DARRYL KRINER

SIGNED



JAN 10 U.S. PTO

10/028944

12/21/01

EL 735049272US

1 1/2/aa

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request for filing a

- ☐ Original
☒ Continuation
☐ Divisional
☐ Continuation-in-part

Application under 37 C.F.R. 1.53(b), in the name of David A HORWITZ (Names
of ALL Applicants), for USE OF CYTOKINES AND MITOGENS TO INHIBIT PATHOLOGICAL
IMMUNE RESPONSES (Title of Invention). This X continuation claims
priority to pending application Serial No. 09/564,436, filed on May
4, 2000 which is a continuation of application Serial No. 09/186,771 filed
on November 5, 1998.

1. (a) ☐ Enclosed is a new application.
 (b) ☐ Enclosed is a continuation-in-part application.
 (c) ☒ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.
 (b) ☒ Enclosed is a copy of the prior executed Declaration as
originally filed.
 (c) ☐ Enclosed is a Combined Declaration/Power of Attorney.
3. ☒ Applicant claims small entity status. See 37 CFR 1.27.

4. The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

FOR:	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
			RATE	FEE	OR RATE	FEE
BASIC FEE				\$370	OR	\$740
TOTAL CLAIMS	<u> </u> -20 =	* <u> </u>	x 9 =	\$ <u> </u>	OR	x 18 = \$ <u> </u>
INDEP CLAIMS	<u> </u> -3 =	* <u> </u>	x 42 =	\$ <u> </u>	OR	x 84 = \$ <u> </u>
[] MULTIPLE DEPENDENT CLAIM PRESENTED			+140 =	\$ <u> </u>	OR	+280

5. X The Commissioner is hereby **not** authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A- /).

6. Our check in the amount of \$ is enclosed.

7. X Cancel in this application original claims 2-23 of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. X Amend the specification by inserting before the first line the sentence:

aa! Jul al
- This is a X continuation of application Serial No. 09/564,436 filed May 4, 2000 which is a continuation of 09/186,771 filed on November 5, 1998.--

9. (a) X Informal drawings are enclosed, 17 sheets.
(b) Formal drawings are enclosed, sheets.

10. (a) X Priority of application Serial No. 09/564,436 filed May 4, 2000 and of application Serial No. 09/186,771 filed November 5, 1998 is claimed under 35 U.S.C. 119/120.

(b) The certified copy has been filed in prior application Serial No. filed on .

11. An Assignment is enclosed.

12. X The prior application is assigned of record to University of Southern California .

13. A Power of Attorney by Assignee is enclosed.

14. X

The power of attorney in the prior application is to:

Flehr Hohbach Test Albritton & Herbert LLP

(name)

Four Embarcadero Center, Suite 3400

(address)

San Francisco, California 94111

- (a) X The power appears in the original papers in the prior application.
- (b) Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c) Address all future communications to:

ROBIN M. SILVA

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

Suite 3400, Four Embarcadero Center

San Francisco, California 94111-4187

Telephone: (415) 781-1989

15.

A Prior Art Statement is enclosed.

16. X

I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/564,436 as originally filed on May 4, 2000.

Date: 12/21/01



Renee M. Kosslak, Reg No. 41,717 for
Robin M. Silva, Reg No. 28,304

Flehr Hohbach Test
Albritton & Herbert LLP
Four Embarcadero Center, Suite 3400
San Francisco, California 94111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-67279-3/RFT/RMS/RMK

Anticipated Classification of this Application:

Class: *

Subclass: *

Prior Application

Examiner: *

Art Unit: *

Box PATENT APPLICATIONAssistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request for filing an

- ☐ Original
☐ Continuation
☐ Divisional
☒ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

David A. HORWITZ
(Names of ALL Applicants)

for USE OF CYTOKINES AND MITOGENS TO INHIBIT PATHOLOGICAL IMMUNE RESPONSES
(Title of Invention)

This is a continuing application under 35 U.S.C. 119/120/121 of

U.S. Patent Application Serial No.	60/064,507	filed	November 5, 1997
U.S. Patent Application Serial No.	09/186,771	filed	November 5, 1998
U.S. Patent Application Serial No.	60/132,616	filed	May 5, 1999

1. (a) ☐ Enclosed is a new application.
 (b) ☒ Enclosed is a continuation-in-part application.
 (c) ☐ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.
 (b) ☐ Enclosed is a copy of the prior Declaration as originally filed.
3. (a) ☐ Enclosed is a Small Entity Affidavit.
 (b) ☐ A Small Entity Affidavit is of record in the prior application.
4. ☐ The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY		OTHER THAN SMALL ENTITY	
			RATE	FEE	RATE	FEE
BASIC FEE				\$345		\$690
TOTAL CLAIMS	- 20 =	*	× 9 =	\$	× 18 =	\$
INDEP CLAIMS	- 3 =	*	× 39 =	\$	× 78 =	\$
MULTIPLE DEPENDENT CLAIM PRESENTED	yes	no	+130 =	\$	+260 =	\$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			TOTAL	\$	TOTAL	\$

"EXPRESS MAIL" MAILING LABEL

NUMBER EL465284687USDATE OF DEPOSIT MAY 4, 2000

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST
OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE
INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME HAMMID SANCHEZSIGNED H-SPrior Application

5. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. _____).
6. ☐ Our check in the amount of \$_____ is enclosed.
☒ The filing fee is NOT being submitted with this transmittal letter.
7. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)
8. ☒ Amend the specification by inserting before the first line the sentence:

This application claims the benefit of the priority date of provisional application 60/132,616, filed May 5, 1999 (pending); which is a continuation of 09/186,771, filed November 5, 1998 (pending); which claims the benefit of the priority date of provisional application 60/064,507, all expressly incorporated by reference.

9. (a) ☐ Informal drawings are enclosed.
(b) ☐ Formal drawings are enclosed.
10. (a) ☒ This application claims the benefit of the priority date of provisional application 60/132,616, filed May 5, 1999 (pending); which is a continuation of 09/186,771, filed November 5, 1998 (pending); which claims the benefit of the priority date of provisional application 60/064,507, all expressly incorporated by reference.

35 U.S.C. 119.

- (b) ☐ The certified copy has been filed in prior application Serial No. _____ filed on _____.

1. ☐ The prior application is assigned of record to _____

2. ☐ The power of attorney in the prior application is to:

Name: _____

Address: _____

- (a) ☐ The power appears in the original papers in the prior application.
(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
(c) ☐ A new power has been executed and is enclosed.
(d) ☐ Address all future communications to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

Four Embarcadero Center - Suite 3400

San Francisco, California 94111-4187

Tel.: (415) 781-1989

Fax: (415) 398-3249

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
14. ☐ I hereby verify that the attached papers are a true duplicate of prior application Serial No. _____ as originally filed on _____.

Date: 5/4/00

Signature: Robin M. Silva

ROBIN M. SILVA, Reg. No. 38,304

Address of Signer:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
4 Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

☐ Attorney or agent of record

☒ Filed under Section 1.34(a)